

Amdt. dated June 22, 2005
Reply to Office action of March 22, 2005

Serial No. 10/003,952
Docket No. SVL920010017US1
Firm No. 0054.0018

REMARKS/ARGUMENTS

Drawings

The Examiner is requested to indicate in the office action summary whether the drawings have been accepted.

Claim objections

Claims 1-4, 21-24, 41-44

Independent claims 1, 21, 41 have been amended in conformance with the directions provided by the Examiner in Page 1, Item 1 of the office action. Applicants submit that the amendments to claims 1, 21, 41 overcome the Examiners's objections to claims 1-4, 21-24, 41-44.

Substantially duplicate claim issues raised by the Examiner (Office Action: Items 2, 3)

Applicants submit that requirements of claim 16 are substantially different from the requirements of claim 5. Claim 5 requires "determining program statements throughout the source code files", whereas claim 16 requires "determining program statements in the source code file." The Examiner is requested to note that "throughout the source code files" is substantially different from "in the source code file".

Claim 25 requires "means for determining, for each selected program statement, program statements throughout the source code files", whereas claim 36 requires "means for determining, for each selected program statement, program statements in the source code file". The Examiner is requested to note that "throughout the source code files" is substantially different from "in the source code file".

Applicants submit that the above arguments address the issues raised by the Examiner in Items 2 and 3 of the office action.

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Claim Rejections under 35 U.S.C. 101

Applicants have amended independent claims 1, 21, 41 to add impact analysis in the claim language. Applicants submit that claims 1-4, 21-24, and 41-44 are directed towards statutory subject matter.

Claim rejections under 35 U.S.C. 102

The Examiner has rejected claims 1-14, 16-34, 36, 40-54, and 56-60 under 35 U.S.C. 102(b) as being anticipated by Baldwin (US 5,452,449). Applicants traverse.

Independent Claims 1, 21, 41

Claim 1 is a method for maintaining data on a plurality of source code files for impact analysis, comprising:

(a) generating a data store, for each source code file and for each program statement in the source code file, by:

- (i) generating information on the program statement;
- (ii) generating information on each program artifact referenced as an input parameter in the program statement; and
- (iii) generating information on each program artifact referenced as an output parameter in the program statement; and

(b) using the data store to determine program artifacts throughout all of the source code files capable of being affected by any one program statement in any of the source code files.

The Examiner has rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Baldwin. Applicants traverse.

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Applicants have amended claim 1 to include the term "impact analysis" and have also amended claim 1 to correct grammatical errors. Support for the amendment may be found in at least original claims 1, 5, 16 and in pages 3-16 of the specification.

The claim is a method for impact analysis that uses the data store to determine program artifacts throughout all of the source code files capable of being affected by any one program statement in any of the source code files, where the data store is generated for each source code file and for each program statement in the source-code file. Nowhere does the cited Baldwin (Abstract; col. 3, lines 38-43; col. 4, lines 34-53, col. 14, lines 48-54) teach or disclose the claim requirements of a method for impact analysis that uses the data store to determine program artifacts throughout all of the source code files capable of being affected by any one program statement in any of the source code files, where the data store is generated for each source code file and for each program statement in the source code file.

The cited Baldwin discusses an interactive multi-module source code analyzer that matches and expands call and entry statement parameters (Baldwin: Title). The cited Baldwin's program analysis system consists of a batch data base load system for creating databases based upon information derived from program modules interface to be analyzed. This information includes inter-module information which is used in an interactive on-line program analysis system which allows the programmer/analyst to conduct an investigation of the modules selected, including data analysis, process analysis and impact analysis.

The impact analysis discussed in the cited Baldwin "includes the ability to determine all modules and data elements that may be affected by a maintenance change or enhancement by providing the ability to search for applicable strings or words within one or more modules" (Baldwin: col. 3, lines 29-33). Therefore, the cited Baldwin performs impact analysis by searching for application strings or words within one or more modules.

The claim require a method for impact analysis that uses the data store to determine program artifacts throughout all of the source code files capable of being affected by any one

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program statement in any of the source code files, where the data store is generated for each source code file and for each program statement in the source code file. Therefore, the claims require impact analysis to be done in a different way than the method for impact analysis by searching for application strings or words within one or more modules as discussed in the cited Baldwin.

In particular, the Examiner has mentioned that col. 3, lines 38-43 of the cited Baldwin discloses the claim requirement of generating a data store, for each source code file and for each program statement in the source code file. Col. 3, Line 38-43 of the cited Baldwin discusses "a database generation system to create databases concerning multiple program modules, and an on-line interactive system to interrogate and navigate through these databases. This latter aspect of the present invention results in an on-line analytical system designed to assist programmer/analysts through the processes necessary to determine the "hows", "whys", and "wheres" of a modification or enhancement to a computer program wherein the analysis is performed on one or more modules of the overall program". Nowhere does the Examiner cited col. 3, lines 38-43 of the cited Baldwin teach or disclose the claim requirement of generating a data store, for each source code file and each program statement in the source code file. Should the Examiner maintain the rejection of the claims the Examiner is requested to identify which lines of the cited Baldwin discloses the claim requirement of generating a data store, for each source code file and for each program statement in the source code file.

The Examiner has mentioned that col. 4, lines 34-48, and col. 14, lines 48-54 of the cited Baldwin discloses the claim requirements of:

- (i) generating information on the program statement;
- (ii) generating information on each program artifact referenced as an input parameter in the program statement; and
- (iii) generating information on each program artifact referenced as an output parameter in the program statement.

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Col. 13, lines 34-48 of the cited Baldwin discusses that the "detailed analysis of data elements includes how the data element is referenced, how the data element is used to change the value of other data elements and how the data element has its value set by other data elements, constants or literals. In particular, the data analysis portion of the interactive program analysis system allows the programmer/analyst to perform detailed analysis of the data elements referenced within the procedure-division source code of a specified module or a specified pair of modules linked by corresponding call and entry statements." Additionally, the cited Baldwin discusses that data analysis can "1) determine all modules that a call-parameter is passed to from a given module and what the matching entry-parameters are named; 2) trace a report data element to its origin and see everything that happened to create the report data element; 3) determine all data elements that can change the value of a specific data element". Col. 14, lines 48-54 of the cited Baldwin discusses a "how-referenced database", where the how referenced database "contains information about all the data elements that are referenced within the procedure-division source code for every Cobol module that is loaded into the database creation system. The information includes the data element name, the module name, the line number where the reference is located, and an update indicator that is set to 'U' if the reference changes the value of the data element". The Examiner has further indicated that a reference that does not change a parameter value is an input parameter, and the reference that changes a parameter value is an output parameter.

The cited Baldwin discusses that "the how referenced database contains information about all the data elements that are referenced within the procedure-division source code for every Cobol module." Therefore, in the Examiner cited Baldwin information is being generated for each procedure of a Cobol module. The claims require generating information on the program statement whereas the cited Baldwin discusses procedures and modules, and the input parameters of the procedures. Should the Examiner maintain the rejection the Examiner is requested to indicate where the cited Baldwin teaches or discloses the claim requirements of generating

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generating information on the program statement, generating information on each program artifact referenced as an input parameter in the program statement, and generating information on each program artifact referenced as an output parameter in the program statement. In particular, the Examiner is requested to indicate which element of the cited Baldwin corresponds to the program statement of the claim requirements.

Additionally, the Examiner has cited that col. 4, lines 48-53 of the cited Baldwin discloses the claim requirement of using the data store to determine program artifacts throughout all of the source code files capable of being affected by any one program statement in any of the source code files. Col. 4, lines 48-53 of the cited Baldwin discusses determining "all data elements that can change the value of a specific data element", determining "all the places that a specific data element changes the value of other data element", and determining "all the modules that use a specific data element through linkage". Therefore, the cited Baldwin is discussing data elements affecting other data elements, whereas the claim require program statement affecting program artifacts. Should the Examiner maintain the rejection the Examiner is requested to indicate which element of the cited Baldwin corresponds to the program statement of the claim requirements and which element of the cited Baldwin corresponds to the program artifacts of the claim requirements.

The Examiner has rejected independent claims 21 and 41 for the same reasons as independent claim 1, and the applicants reasons for the patentability of claim 1 applies to claims 21 and 41.

For the above reasons claims 1, 21, and 41, are patentable over the cited art.

Independent claims 5, 25, 45

Claim 5 is a method for performing an impact analysis of program statements in a source code file that is one of a plurality of source code files, wherein each program statement has at least one of an input parameter and output parameter, comprising:

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receiving selection of at least one program statement in one source code file; and
for each selected program statement, determining program statements throughout the
source code files having as one input parameter one program artifact that is affected by the
selected program statement.

The Examiner has rejected claim 5 under 35 U.S.C. 102 as being unpatentable over the
cited Baldwin (abstract; col. 4, lines 9-10; col. 3, lines 55-60; col. 4, lines 10-29, 42-44; col. 4,
line 54 - col. 5, line 55). Applicants traverse.

The Examiner has indicated that col. 4, lines 42-44 of the cited Baldwin discloses the
claim requirement that each program statement has at least one of an input parameter and output
parameter. Col. 4, lines 42-44 of the cited Baldwin discusses that the system of the cited Baldwin
can "determine all modules that a call-parameter is passed to from a given module and what the
matching entry-parameters are named". Therefore, the cited Baldwin is discussing the call
parameters of a module, whereas the claim requirements are for an input parameter and output
parameter of each program statement. A module of the cited Baldwin is different from the
program statement of the claim requirements. The cited Baldwin discusses passing parameters
between modules, whereas the claims require input parameter and output parameter for each
program statement. Therefore, the Examiner cited col. 4, lines 42-44 of the cited Baldwin does
not teach or disclose the claim requirement that each program statement has at least one of an
input parameter and output parameter.

The Examiner has indicated that the global module selection discussed in col. 4, lines 10-
29 of the cited Baldwin discloses the claim requirement of receiving selection of at least one
program statement in one source code file. The global module selection of the cited Baldwin is
discussing modules and not the claim requirement of a program statement because the claim
requirement of a program statement is different from a module. Therefore the Examiner cited col.
4, lines 10-29 of the cited Baldwin does not teach or disclose the claim requirement of receiving
selection of at least one program statement in one source code file. Should the Examiner

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maintain the rejection of the claims the Examiner is requested to indicate which element of the cited Baldwin corresponds to the claim requirement of the at least one program statement.

The Examiner has further indicated that the process analysis and impact analysis of col. 4, line 54 - col. 5, line 55 of the cited Baldwin discloses the claim requirement that for each selected program statement, determining program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement. The process analysis discussed in the cited Baldwin is with reference to modules and does not disclose the claim requirement of the program statement. The impact analysis discussed in the cited Baldwin allows the programmer/analyst to determine all the modules and data elements that may be impacted by a maintenance change or enhancement and perform the following:

- "1) determine where, within selected modules, a key- word string or strings is located, as well as to be able to immediately select those keywords for further analysis;
- 2) search source code database information, including remarks, comments and procedural source code for keywords or keyword strings that might help with the analysis of a particular problem;
- 3) determine all modules that are impacted by a change to a copy library member; and
- 4) determine such analysis as which modules in a system issue a specific user abnormal end (abend) code by using keyword search capability."

Therefore the cited Baldwin discusses determining a word string or strings in modules, and search the source code for keywords or keywords for strings that might help with the analysis of a particular problem. Therefore, the cited Baldwin discusses searching source code for keywords or keyword strings. It appears as if the Examiner may be interpreting a source code of the cited Baldwin as the claim requirement of a program statement. While the cited Baldwin searches source code for keywords or keyword strings, the claims require that for each selected program statement, determining program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement. Thus the cited Baldwin searches source code for keywords which is different from the claim

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requirement of determining program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement.

For the above reasons claim 5 is patentable over the cited art. Claims 25 and 45 have been rejected for reasons similar to the rejection of claim 5, and claims 25, and 45 are patentable for reasons similar to the patentability of claim 5.

For the above reasons claims 5, 25, and 45 are patentable over the cited art.

Independent claims 16, 36, 56

Applicants submit that Claims 16, 36 and 56 are not substantive duplicates of claims 5, 25 and 45 as indicated by the Examiner.

Applicants submit that requirements of claim 16 are substantially different from the requirements of claim 5. Claim 5 requires "determining program statements throughout the source code files", whereas claim 16 requires "determining program statements in the source code file." The Examiner is requested to note that "throughout the source code files" is substantially different from "in the source code file". For similar reasons claims 36 and 56 are not substantive duplicates of claims 25, 45.

In view of the above differences the Examiner is requested to provide specific reasons for the rejection of claims 16, 36, 45.

Dependent Claims 2-4, 6-15, 17-20, 22-24, 26-35, 37-40, 42-44, 46-55, 57-60

The Examiner has also rejected pending claims 2-4, 6-15, 17-20, 22-24, 26-35, 37-40, 42-44, 46-55, 57-60. These claims are patentable over the cited art because they depend directly or indirectly on independent claims 1, 5, 16, 21, 25, 36, 41, 45, or 56 which are patentable over the cited art for the reasons discussed above. Furthermore, the following of these claims provide additional grounds of patentability over the cited art for the reasons discussed below.

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Claims 3, 23, 43

Claim 3 depends on claim 1, wherein generating information on the program statements and program artifacts comprises:

associating each program artifact with a program statement referencing the program artifact as one input or output parameter and information indicating whether the program statement references the program artifact as input or output.

The Examiner cited col. 4, lines 54 - col. 5, lines 55 of the cited Baldwin to reject the claim requirement that generating information on the program statements and program artifacts comprises associating each program artifact with a program statement referencing the program artifact as one input or output parameter and information indicating whether the program statement references the program artifact as input or output.

The Examiner has further indicated that the process analysis and impact analysis of col. 4, line 54 - col. 5, line 55 of the cited Baldwin discloses the claim requirement that generating information on the program statements and program artifacts comprises associating each program artifact with a program statement referencing the program artifact as one input or output parameter and information indicating whether the program statement references the program artifact as input or output. The process analysis discussed in the cited Baldwin is with reference to modules and does not disclose the claim requirement of the program statement. The impact analysis discussed in the cited Baldwin allows the programmer/analyst to determine all the modules and data elements that may be impacted by a maintenance change or enhancement and perform the following:

- "1) determine where, within selected modules, a key- word string or strings is located, as well as to be able to immediately select those keywords for further analysis;
- 2) search source code database information, including remarks, comments and procedural source code for keywords or keyword strings that might help with the analysis of a particular problem;

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- 3) determine all modules that are impacted by a change to a copy library member; and
- 4) determine such analysis as which modules in a system issue a specific user abnormal end (abend) code by using keyword search capability."

Therefore the cited Baldwin discusses determining a word string or strings in modules, and search the source code for keywords or keywords for strings that might help with the analysis of a particular problem. Therefore, the cited Baldwin discusses searching source code for keywords or keyword strings. It appears as if the Examiner may be interpreting a source code of the cited Baldwin as the claim requirement of a program statement. While the cited Baldwin searches source code for keywords or keyword strings, the claims require that generating information on the program statements and program artifacts comprises associating each program artifact with a program statement referencing the program artifact as one input or output parameter and information indicating whether the program statement references the program artifact as input or output.

Additionally, the Examiner cited col. 14, lines 48-54 of the cited Baldwin discusses data elements that "are referenced with the procedure division source code." The changes in the value of data elements are for references in a procedure and not in the claim requirement of a program statement referencing the program artifact as one input or output parameter. Therefore, the claims require an input or output of a program statement where the cited Baldwin discusses input and output of a procedure.

For the above reasons claim 3, and similarly claims 23, and 43 are patentable over the cited art.

Claims 4, 24, 44

Claim 4 depends on claim 3, wherein the program artifact comprises a variable, Input/Output buffer or file.

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The Examiner has mentioned that the cited COBOL procedures of the cited Baldwin col. 14, line 45 - col. 15, lines 13 disclose the claim requirements. Therefore, the Examiner is interpreting the COBOL procedures of the cited Baldwin as the program artifact of the claim requirements. However, in rejecting claim 3 on which claim 4 depends, the COBOL procedures of the cited Baldwin were different from the program artifact of the claim requirements. Should the Examiner maintain the rejection, the Examiner is requested to indicate which the following for both claims 3 and 4:

- 1) Which element of the cited Baldwin corresponds to the "program artifact" of the claim requirements?
- 2) Which element of the cited Baldwin corresponds to the "program statement" of the claim requirements?
- 3) While elements of the cited Baldwin is the "input" and "output" of the claim requirements?

For the above reasons claim 4, and similarly claims 24, and 44 are patentable over the cited art.

Claims 6, 26, 46

Claim 6 depends on claim 5, wherein the source code files including the program artifacts affected by the selected program statement comprise components of an application program.

The cited col. 3, lines 49-53 of the cited Baldwin discusses program modules that form a application program. It appears that the Examiner is interpreting the program modules of the cited Baldwin as the source code files of claim requirements. Nowhere does the cited Baldwin teach or disclose the claim requirement that source code files includes the program artifacts affected by the selected program statement. Should the Examiner maintain the rejection, the Examiner is requested to indicate which element of the cited Baldwin corresponds to the selected program statement of the claim requirements and which element of the cited Baldwin corresponds to the program artifacts.

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For the above reasons claim 6, and similarly claims 26, and 46 are patentable over the cited art.

Claims 7, 27, 47

Claim 7 depends on claim 5, wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

determining program statements in the source code files having as one input parameter the program artifact that is one output parameter to the selected program statement.

The cited Baldwin (col. 5, lines 3-8) 4) discusses match the call and entry-parameters between any calling module and called module, and in particular to expand the subelements of any parameter, and determine for any subelement of any parameter, how that subelement is referenced, used, set, called or how it calls other subelements.

The cited Baldwin is discussing input parameters and output parameters for calling and called modules, whereas the claims require input and output parameters for program statements. The program statements of the claim requirements are different from the modules of the cited Baldwin.

For the above reasons claim 7, and similarly claims 27, and 47 are patentable over the cited art.

Claims 8, 28, 48

Claim 8 depends on claim 7, wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

for each previously determined program statement having as one input parameter one program artifact affected by the selected program statement, performing the steps of:

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(i) determining the output parameter program artifact of the statement; and
(ii) determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the previously determined statement.

The cited Baldwin col. 5, lines 4-25 discusses calls between modules and parameters of modules. Nowhere does the cited Baldwin teach or disclose the claim requirements of program statements and input and output parameter program artifacts of the program statement. The program statement of the claim requirements is different from the modules of the cited Baldwin.

Additionally, the cited Baldwin does not teach or disclose the claim requirement that for each previously determined program statement having as one input parameter one program artifact affected by the selected program statement, performing the steps of determining the output parameter program artifact and determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the previously determined statement. In particular there is no teaching or disclosure of the claim requirement that for each previously determined program statement the steps are performed.

For the above reasons claim 8, and similarly claims 28, and 48 are patentable over the cited art.

Claims 9, 29, 49

Claim 9 depends on claim 8, wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

for each previously determined program statement having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source program statement, performing the steps of :

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(i) determining the output parameter program artifact of the determined program statement;

(ii) determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the determined program statement; and

performing recursively the determination of program statements having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source statement.

Nowhere does the cited Baldwin teach or disclose the claim requirement of performing recursively the determination of program statements having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source statement.

The cited Baldwin (col. 4, lines 65-69) discusses creating a tree diagram of the call and calling modules beginning with any user specified module or for all selected modules in the current interactive session, and subsequently determining the entire calling structure of a group of modules beginning with any specified module. There is no teaching or disclosure in the cited Baldwin of any recursive determination as required by the claims. The Examiner has concluded without any teaching or disclosure in the cited Baldwin that in order for a call tree to be complete, the call tree generator must recursively call the program statements. Applicants submit, that the an exhaustive search of trees and subtrees that is not recursive in nature can also traverse a call tree and recursion is not necessary. Should the Examiner maintain the 102 based rejection the Examiner is requested to indicate where the cited Baldwin teaches or discloses the claim requirement of recursive determination of program statements.

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In addition the cited Baldwin discusses modules whereas the claims require program statements.

For the above reasons claim 9, and similarly claims 29, and 49 are patentable over the cited art.

Claims 10, 20, 30

Claims 10 depends on claim 5, further comprising:
outputting information on determined program statements and program artifacts affected by each selected program statement.

Nowhere does the cited Baldwin discuss outputting information on program statements. The cited Baldwin is discussing modules that are different from a program statement.

For the above reasons claim 10, and similarly claims 20, and 30 are patentable over the cited art.

Claims 11, 21, 31

Claim 11 depends on claim 5, wherein the program artifact comprises a variable, Input/Output buffer or file.

The Examiner has mentioned that the cited COBOL procedures of the cited Baldwin col. 14, line 45 - col. 15, lines 13 disclose the claim requirements. Therefore, the Examiner is interpreting the COBOL procedures of the cited Baldwin as the program artifact of the claim requirements. However, in rejecting claim 5 on which claim 11 depends, the COBOL procedures of the cited Baldwin were different from the program artifact of the claim requirements. Should the Examiner maintain the rejection, the Examiner is requested to indicate which the following for both claims 5 and 11:

1) Which element of the cited Baldwin corresponds to the "program artifact" of the claim requirements?

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2) Which element of the cited Baldwin corresponds to the "program statement" of the claim requirements?

3) While elements of the cited Baldwin is the "input" and "output" of the claim requirements?

For the above reasons claim 11, and similarly claims 21, and 31 are patentable over the cited art.

Claims 12, 22, 32

Claim 12 depends on claim 5, wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement.

The cited col. 5, lines 3-8 of the cited Baldwin discusses modules and inputs and outputs of modules and is different from the claim requirement of program statement and input/output parameters of program statements.

For the above reasons claim 12, and similarly claims 22, and 32 are patentable over the cited art.

Claims 13, 23, 33

Claim 13 depends on claim 12, wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement.

Col. 5, lines 4-23 of the cited Baldwin discusses modules, linkages of modules, etc. The modules are different from program statements of the claim requirements.

Additionally, nowhere does the cited Baldwin teach or disclose the claim requirement that one statement further has one input parameter that is affected by the selected program statement

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if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement. The Examiner is requested to identify how the cited col. 5, line 4-23 disclose the claim requirements by pointing of corresponding elements to the claim requirements in the cited sections of the cited Baldwin.

For the above reasons claims 13, 23, 33 are patentable over the cited art.

Claims 14, 24, 34

Claim 14 depends on claim 5, wherein if the selected program statement comprises a call to a program routine comprised of a plurality of statements in one of the source code files, then one statement has one input parameter that is affected by the selected program statement if:

the output parameter program artifact of the selected source code statement is the input parameter program artifact to the statement; or

the input parameter of the selected source code statement is the input parameter program artifact to the statement.

Col. 14, lines 48-54 of the cited Baldwin discusses a procedure for a COBOL module. Nowhere does the cited Baldwin teach or disclose the claim requirement that the selected program statement comprises a call to a program routine comprised of a plurality of statements in one of the source code files, then one statement has one input parameter that is affected by the selected program statement if:

the output parameter program artifact of the selected source code statement is the input parameter program artifact to the statement; or

the input parameter of the selected source code statement is the input parameter program artifact to the statement.

For the above reasons claims 14, 24, 34 are patentable over the cited art.

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Claims 17-19, 57-57

These claim are patentable for reasons provided above for claims 11-13.

Claim rejections under 35 U.S.C. 103

The Examiner has rejected claims 15, 35, 37-39, and 55 under 35 U.S.C. 103(a) as being unpatentable over Baldwin in view of Melahn (US 6,003,042). Applicants traverse.

Claim 15, 35, 55

Claim 15 depends on claim 5, and further comprises accessing the source code files from a control management system.

The Examiner has rejected claims 15 under 35 U.S.C. 103(a) as being unpatentable over Baldwin in view of Melahn. Applicants traverse.

The Examiner has combined the teachings of the cited Baldwin with the cited Melahn, where the cited Melahn (col. 1, lines 48-63) discusses control management system and version management. The motivation for combining the teachings of the cited Baldwin and the cited Melahn are that it would facilitate parallel development involving multiple developers.

However parallel development involving multiple developers is an improper reason for combining the cited Melahn and the cited Baldwin. The Examiner has applied the source control as discussed in the cited Melahn to the impact analysis teachings of the cited Baldwin.

The cited Baldwin "is specifically directed to a system and method that provides multi-module relationship information which increases the speed and accuracy of the analysis process required when making a maintenance change or enhancement" (Baldwin:col. 2, lines 9-14). Should the source control as discussed in the cited Melahn be combined to the impact analysis teachings of the cited Baldwin, the additional processing required would decrease the speed of the analysis process when making a maintenance change or enhancement. So while

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parallel development may be facilitated this would be at the expense of speed which is contrary to the teachings of the cited Baldwin.

For the above reasons, the cited Baldwin and the cited Melahn cannot be combined in the way mentioned by the Examiner.

For the above reasons, claim 15, and similarly claims 35, and 55 are patentable over the combination of the cited Baldwin and the cited Melahn..

Claim 37

Claim 37 depends on claim 35, wherein the program artifact comprises a variable, Input/Output buffer or file.

The Examiner has mentioned that the cited COBOL procedures of the cited Baldwin col. 14, line 45 - col. 15, lines 13 discuss the claim requirements. Therefore, the Examiner is interpreting the COBOL procedures of the cited Baldwin as the program artifact of the claim requirements. However, in rejecting claim 5 on which claim 11 depends, the COBOL procedures of the cited Baldwin were different from the program artifact of the claim requirements. Should the Examiner maintain the rejection, the Examiner is requested to indicate which the following for both claims 5 and 11:

- 1) Which element of the cited Baldwin corresponds to the "program artifact" of the claim requirements?
- 2) Which element of the cited Baldwin corresponds to the "program statement" of the claim requirements?
- 3) While elements of the cited Baldwin is the "input" and "output" of the claim requirements?

For the above reasons claim 37 is patentable over the combination of the cited Baldwin and the cited Melahn..

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Claims 38

Claim 38 depends on claim 35, wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement.

The cited col. 5, lines 3-8 of the cited Baldwin discusses modules and inputs and outputs of modules and is different from the claim requirement of program statement and input/output parameters of program statements.

For the above reasons claim 38 is patentable over the combination of the cited Baldwin and the cited Melahn.

Claim 39

Claim 39 depends on claim 38, wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement.

Col. 5, lines 4-23 of the cited Baldwin discusses modules, linkages of modules, etc. The modules are different from program statements of the claim requirements.

Additionally, nowhere does claim 5 teach or suggest the claim requirement that one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement. The Examiner is requested to identify how the cited col. 5, line 4-23 teach or suggest the claim requirements by pointing of corresponding elements to the claim requirements in the cited sections of the cited Baldwin.

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For the above reasons claim 39 is patentable over the combination of the cited Baldwin and the cited Melahn.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

Dated: June 22, 2005

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